

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 1A04-3-B.3 to permit a side yard setback of 32 feet in lieu of the required 50 feet and a setback of 65 feet to the centerline of the street in lieu of the required 75 feet.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)
- To allow construction of proposed manufactured home per the manufacturer's specifications.
 - To alleviate possible financial hardship which could result from non-performance of contract from manufactured home.
 - To conform to the aesthetics of the community.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State
Attorney's Telephone No.:

Legal Owner(s):
R. Donovan Bossle
(Type or Print Name)
Signature
Carolyn A. Bossle
(Type or Print Name)
Signature
39 Lombardy Dr. 21222
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Mrs. Stanley Karabin (Contractor)
Name
Address
City and State
Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

of August 1986, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 23rd day of September, 1986, at 9:45 o'clock

(over)
Zoning Commissioner of Baltimore County.

IN RE: PETITION FOR ZONING VARIANCE
NW/S of Bayside Road, 1008.7'
NE of Beechwood Road
(1248 Bayside Road)
15th Election District
R. Donovan Bossle, et ux
Petitioners
BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-122-A

The Petitioners herein request a zoning variance to permit a side yard setback of 32 feet in lieu of the required 50 feet and a setback of 65 feet to the centerline of the street in lieu of the required 75 feet.
Testimony by the Petitioners indicates that their sizable family and the heavily wooded lot mandate the size and location of the proposed dwelling. If the house were moved further to the rear, it would be necessary to destroy a large oak tree. The adjacent neighbor on Bayside Road testified that he does not oppose the requested variances.

There were no Protestants.
Pursuant to the advertisement, posting of property, and public hearing on the petition; it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners; Baltimore County having reviewed the application involving property located in the Maryland Chesapeake Bay Critical Areas and having ascertained that it is consistent with the requirements of the State of Maryland to minimize adverse impacts on water quality and fish, wildlife, and plant habitat; it is determined that the requested variances will not adversely affect the health, safety, and general welfare of the community and should therefore be granted.
Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 24th day of September 1986 that the herein request for a zoning variance to permit a side yard setback of 32 feet and a setback of 65 feet to

the centerline of the street, in accordance with the plan submitted and identified as Petitioner's Exhibit 1, is hereby GRANTED, subject, however to the following restriction:
1) The quantity of trees required to protect the Chesapeake Bay Critical Area shall be maintained on the property.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 24, 1986

Mr. & Mrs. R. Donovan Bossle
39 Lombardy Drive
Baltimore, Maryland 21222

RE: Petition for Zoning Variance
NW/S of Bayside Road, 1008.7'
NE of Beechwood Road
(1248 Bayside Road)
15th Election District
Case No. 87-122-A

Dear Mr. & Mrs. Bossle:

Enclosed please find a copy of the decision rendered on the above referenced Petition. Your request for a zoning variance has been Granted subject to the restriction stated in the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMH:bjs

Attachments

cc: Mr. Stanley Karabin
223 South Woodwell Road
Baltimore, Maryland 21222

People's Counsel

cc: Michel Mathys
State Dept of Planning

PETITION FOR ZONING VARIANCES
15th Election District
Case No. 87-122-A

LOCATION: Northwest Side of Bayside Road, 1008.7 feet Northeast of Beechwood Road (1248 Bayside Road)

DATE AND TIME: Tuesday, September 23, 1986, at 9:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variances to permit a side yard setback of 32 feet in lieu of the required 50 feet and a setback of 65 feet to the centerline of the street in lieu of the required 75 feet

Being the property of R. Donovan Bossle, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR VARIANCES
NW/S of Bayside Rd., 1008.7' NE
of Beechwood Rd. (1248 Bayside
Rd.), 15th District
R. DONOVAN BOSSLE, et ux,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-122-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of August, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. R. Donovan Bossle, 39 Lombardy Drive, Dundalk, MD 21222, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 18, 1986

Mr. R. Donovan Bossle
Mrs. Carolyn A. Bossle
39 Lombardy Drive
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCES
NW/S Bayside Rd., 1008.7' NE of Beechwood
Rd. (1248 Bayside Rd.)
15th Election District
R. Donovan Bossle, et ux - Petitioners
Case No. 87-122-A

Dear Mr. and Mrs. Bossle:

This is to advise you that \$62.50 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Baltimore County, Maryland, and remit

aiding, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 025530

DATE 9/23/86 ACCOUNT R-01-615-000

SIGN & POST RETURNED

AMOUNT \$ 62.50

Mr. Carolyn Bossle, 39 Lombardy Dr., Baltimore, Md. 21222

RECEIVED FROM ADVERTISING & POSTING COSTS RE CASE #87-122-A

FOR B 0022*****62501a \$238F

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 15th Date of Posting 9/18/86

Posted for: Variance

Petitioners: R. Donovan Bossle et ux

Location of property: NW/S Bayside Rd., 1008.7' NE of Beechwood Rd.

Location of Signs: Facing Bayside Rd., across 2nd Ex. Roadway, etc.

Remarks: Property of Petitioner

Posted by: M. H. Jung

Number of Signs: 1

Date of return: 9/18/86

Signature

Signature

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CERTIFICATE OF PUBLICATION

TOWSON, MD., September 19, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 4, 1986

THE JEFFERSONIAN,

Susan Shuler O'Connell

Publisher

Cost of Advertising

24.75

PETITION FOR ZONING VARIANCES
15th Election District
Case No. 87-122-A
LOCATION: Northwest Side of Bayside Road, 1008.7' NE of Beechwood Road (1248 Bayside Road)
DATE AND TIME: Tuesday, September 23, 1986, 9:45 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for zoning variance to permit a side yard setback of 32 feet in lieu of the required 50 feet and a setback of 45 feet to the rear of the lot in lieu of the required 75 feet.
Being the property of R. Donovan Bossle, et ux, as shown on plat filed with the Zoning Office.
In the event that this Petitioner is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.
By Order Of
ARNOLD JABLON
Zoning Commissioner
of Baltimore County
9018 Sep 18 1986

Mr. R. Donovan Bossle
Mrs. Carolyn A. Bossle
39 Lombardy Drive
Baltimore, Maryland 21222

August 11, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
NW/S Bayside Rd., 1008.7' NE of Beechwood Rd. (1248 Bayside Rd.)
15th Election District
R. Donovan Bossle, et ux - Petitioners
Case No. 87-122-A

TIME: 9:45 a.m.

DATE: Tuesday, September 23, 1986

PLACE: Room 106, County Office Building, 111 West Chesapeake

Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 020012

DATE 7/13/86 ACCOUNT 01-615

AMOUNT \$ 35.00

RECEIVED FROM R. DONOVAN BOSSLE

FOR FILING FEE FOR VARIANCE ITEM No 29

B 0037*****35001a \$188F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 1st day of August, 1986

ARNOLD JABLON

Zoning Commissioner

Petitioner: R. Donovan Bossle, et ux Received by: James E. Pratt

Attorney: _____ Chairman, Zoning Plans

Attorney: _____ Advisory Committee

SCALE 1" = 200'

VICINITY MAP

PETITIONER'S EXHIBIT 1

SCALE 1" = 100'

SITE LIES WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

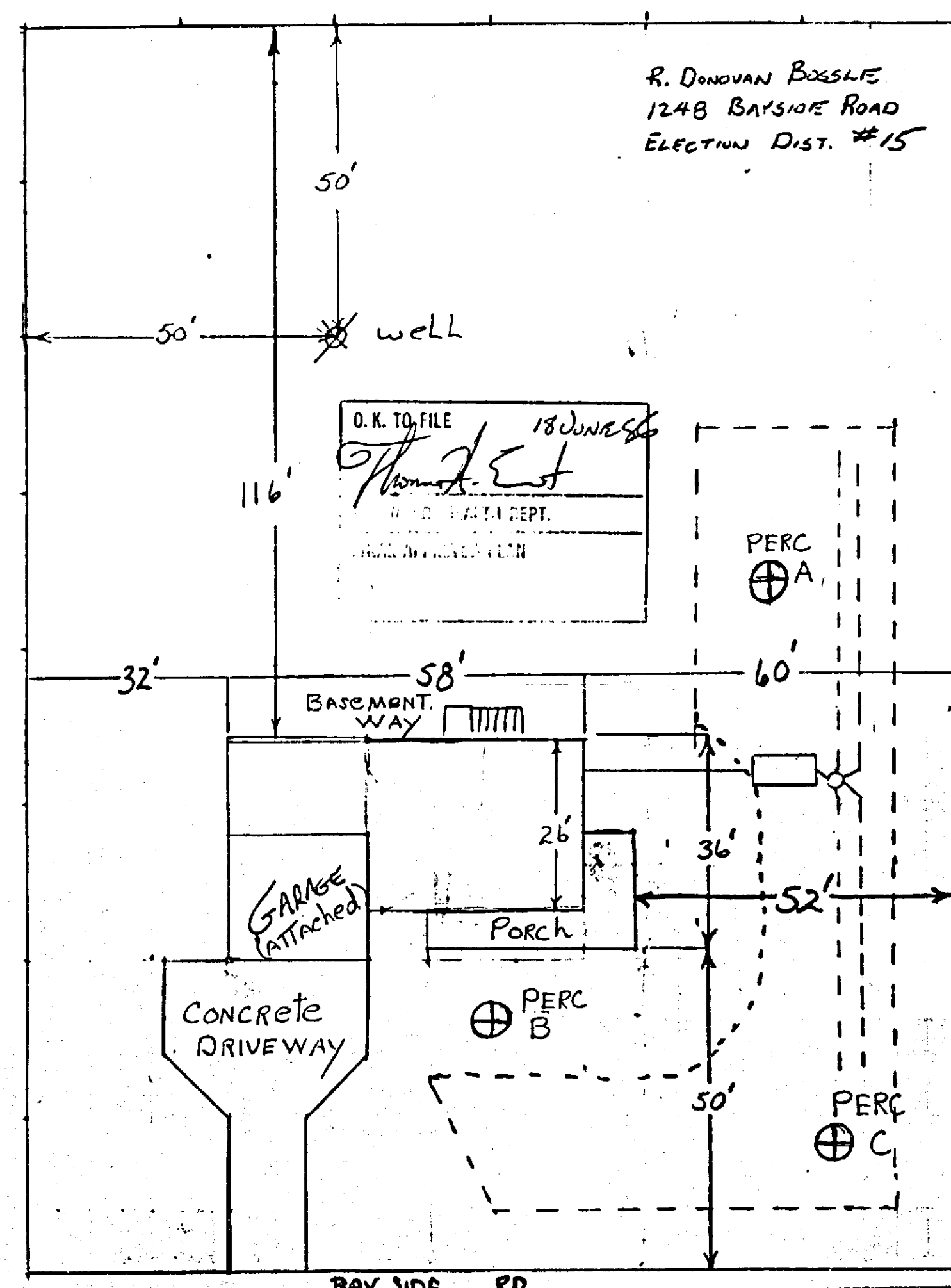
PLAT FOR ZONING VARIANCE RC5

OWNER - R. DONOVAN & CAROLYN A. BOSSLE

DISTRICT 15

SUB-DIVISION - EVERGREEN PARK

LOT 98, 99, 100. BOOK #7 FOLIO 174



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner
TO: Office of Planning and Zoning Date September 17, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

Chesapeake Bay Critical Area Findings -
SUBJECT: D. Bossle, et ux (87-122-A, Item #29)

The petition of D. Bossle, et ux will be consistent with the Chesapeake Bay Critical Area program provided that six major deciduous trees or 12 conifers or 24 minor deciduous trees are planted and/or maintained on the site. This lot does contain a number of young deciduous trees that, if maintained, can be used to fulfill these requirements in total or in part. In addition, runoff from impervious surfaces should be directed overland to encourage maximum infiltration.

Norman E. Gerber
Norman E. Gerber, AICP

NEG:FJS:dq

cc: M. H. Yeager, Jr.
J. B. Rutkowski
Stanley Crites
Uri Avin, OPZ
Tim Dugan, OPZ

Andrea VanArsdale, OPZ
Jim Howwell, OPZ
People's Counsel, OPZ
Tom Vidmar, Bureau of Eng.

RECEIVED
SEP 18 1986

ZONING OFFICE

CPS-008

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date September 18, 1986

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 87-121-A, 87-122-A, 87-124-A and 87-125-A

Please consider the Chesapeake Bay Critical Area comments (Gerber to Jablon dated 9/18/86) to represent the position of this office for these petitions.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:slm

RECEIVED
SEP 19 1986

ZONING OFFICE

CPS-008

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 2, 1986

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Chairman

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
DevelopmentMr. R. Donovan Bossle
39 Lombardy Drive
Baltimore, Maryland 21222RE: Item No. 29 - Case No. 87-122-A
Petitioner: R. Donovan Bossle, et ux
Petition for Variance

Dear Mr. Bossle:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

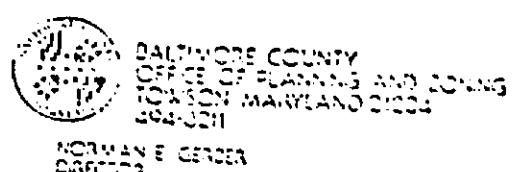
Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204August 21, 1986
(CRITICAL AREA)Re: Zoning Advisory Meeting of July 29, 1986
Item # 29
Property Owner: R. DONOVAN BOSSLE, et alNW/S Bayside Rd. 1008.7' NE
Beechwood Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- () There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-53 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended development plan was approved by the Planning Board on _____.
- () Landscaping: Must comply with Baltimore County Landscape Manual, Bill 173-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 173-79, and as conditions change are re-evaluated annually by the County Council.

THIS SITE IS LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA. ADDITIONAL COMMENTS WILL BE PROVIDED BY THE COMPREHENSIVE PLANNING DIVISION.

CC: James H. Galloway

Eugene A. Boher
Chief, Current Planning and DevelopmentBALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550STEPHEN E. COLLINS
DIRECTOR

August 11, 1986

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 21, 22, 25, 26, 27, 28, 29, 30, and 31.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500PAUL H. REINCKE
CHIEF

August 13, 1986

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

RE: Property Owner: R. Donovan Bossle, et ux (CRITICAL AREA)

Location: NW/S Bayside Road, 1008.7' NE Beechwood Road

Item No.: 29

Zoning Agenda: Meeting of 7/29/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John F. O'Neill*
Planning Group
Special Inspection Division

Noted and

Approved: *John F. O'Neill*
Fire Prevention BureauBALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

August 14, 1986

TED ZALESKI, JR.
DIRECTORMr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 29 Zoning Advisory Committee Meeting are as follows:

Property Owner: R. Donovan Bossle, et ux CRITICAL AREA
Location: NW/S Bayside Road, 1008.7 ft. NE Beechwood Road
District: 15th.

APPLICABLE ITEMS ARE CIRCLED:

- (A) All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #137-1 - 1980) and other applicable Codes and Standards.
- (A) A building and other miscellaneous permits shall be required before the start of any construction.
- (C) Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduction seals are not acceptable.
- B. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 101, Section 1001, Section 1006 and Table 1002. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____ or to Mixed Use. See Section 312 of the Building Code.
- (F) The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- (F) Comments: Elevations of the lot and the proposed structure are not shown. All floor levels in areas subject to tidal inundation are required to be 1'-0" above the 100 year flood tide. See Section 516.0 attached.
- K. These abbreviated comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

4/22/85

SPECIAL FOR CONSTRUCTION IN TIDAL OR RIVERINE AREAS
BILL #17-85 BALTIMORE COUNTY BUILDING CODE 1984
EFFECTIVE - APRIL 22, 1985

SECTION 516.0 A Section added to read as follows:

SECTION 516.0 CONSTRUCTION IN AREAS SUBJECT TO FLOODING

516.1 AREAS SUBJECT TO INUNDATION BY TIDEWATER'S:

1. Whenever building or additions are constructed in areas subject to inundation by tides, the building's lowest floor (including basement) shall be not lower than one (1) foot above the 100-year flood elevation, as established by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is more restrictive. These buildings or additions shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure with materials resistant to flood damage.

Areas beneath buildings will not be considered as basements if headroom to underside of floor joists is less than six feet or if enclosure walls are at least 50 percent open.

2. Crawl spaces under buildings constructed in the tidal plain, as determined by the U.S. Army Corps of Engineers or the Federal Flood Insurance Study, whichever is the more restrictive, shall be constructed so that water will pass through without resulting debris causing damage to the improvements of any property.

3. New or replacement utility systems, including but not limited to water supply, sanitary sewage, electric, gas and oil, must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

516.2 RIVERINE AREAS SUBJECT TO INUNDATION BY SURFACE WATERS WITHIN THE 100 YEAR FLOOD PLAIN.

1. No structures or additions shall be within the 100-year flood plain of any watercourse. The 100-year flood plain shall be based upon the Federal Flood Insurance Study or the Department of Public Works, whichever is the more restrictive. This determination shall include planned future development of the watershed area.

2. Reconstruction of residential dwelling units shall be governed by Sections 103.0 or 120.0 as applicable, except that rebuilding of residential dwelling units damaged in excess of 50 percent of physical value shall also be governed by the provisions of Subsection 516.1 of this Section.

3. Reconstruction of other than residential buildings or structures in the riverine areas shall be made to conform to 516.1 when damage exceeds 50 percent of physical value.

April 1985